

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

Criminal# 1:11-CR-10206-DPW

OWENS BROWN

MOTION TO STAY

Owens Brown respectfully moves this Court to stay the proceedings in this matter. Counsel is unsure whether the Government will assent to this motion as the Government has not yet responded to Brown's request for assent.

As grounds, the potential reduction in sentencing guidelines for federal drug trafficking offenses proposed by the United States Sentencing Commission could have a significant impact on Brown's case. The Sentencing Commission conducted a public hearing on March 13, 2014 regarding a proposed amendment to lower the base offense levels in the Drug Quantity Table by two points. See Attorney General Holder Urges Changes in Federal Sentencing Guidelines to Reserve Harshest Penalties for Most Serious Drug Traffickers, *available at* <http://www.justice.gov/opa/pr/2014/March/14-ag-263.html>; see also "United States Sentencing Commission Public Hearing on Proposed Amendments to the Federal Sentencing Guidelines," Mar. 13, 2014, Washington, D.C. *available at* http://www.ussc.gov/Legislative_and_Public_Affairs/Public_Hearings_and_Meetings/20140313/Agenda.htm. Commission Analysts

project that this change would result in an approximately 11-month sentence reduction for eligible offenders. If adopted, the amendment would become effective in November 2014, and the Commission would have the authority to apply the amendment retroactively. See National Prison and Sentencing Consultants, "Recent Updates: January 13, 2014: USSC Proposes Reducing Drug Guidelines" *available at* <http://www.nationalprisonconsultants.com/related-news/>.

In addition, Brown is investigating a potential link between his case and the Hinton State Drug Lab Scandal in Massachusetts. The Massachusetts Inspector General issued a report on March 4, 2014 providing the courts, attorneys, and defendants with guidelines regarding any case linked to the Hinton Drug Lab. Brown has not yet had the opportunity to fully determine the impact the report will have on his case.

As such, Brown requests that this Court stay the proceedings until the United States Sentencing Commission's proposed changes to the sentencing guidelines are formally adopted or rejected, and until Brown has the opportunity to determine how the Inspector General's report will impact his case.

Respectfully submitted
Owens Brown
By his Attorney,

/s/ Rosemary Curran Scapicchio

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CERTIFICATE OF SERVICE

I, [name], hereby certify that this document filed through the ECF system will be sent electronically to the registered participant, as identified on the Notice of Electronic Filing (NEF) on April 1, 2014.

/s/ Rosemary Scapicchio